

NOTICE OF INDEPENDENT REVIEW DECISION

October 25, 2004

RE: MDR Tracking #: M2-05-0097-01
IRO Certificate #: IRO 4326

The ____ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ____ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

____ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ____ physician reviewer who is board certified in orthopedic surgery, by the American Board of Orthopaedic Surgery, licensed by the Texas State Board of Medical Examiners (TSBME) in 1969, and who provides health care to injured workers. This is the same specialty as the treating physician. The ____ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ____ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This 48 year-old male injured his back and groin on ____ when he was pinned between a wall and construction equipment. He has been diagnosed with bilateral inguinal hernia and disk bulge at L4-L5. He has been treated with surgery, medication and therapy.

Requested Service(s)

Purchase of an RS4i Sequential Stimulator 4-channel combination Interferential and Muscle Stimulator Unit

Decision

It is determined that there is no medical necessity for the purchase of an RS4i Sequential Stimulator 4-channel combination Interferential and Muscle Stimulator Unit.

Rationale/Basis for Decision

Medical record documentation does not indicate the necessity for the purchase of a RS4i sequential stimulator 4-channel combination interferential and muscle stimulator unit. This patient has an extensive history of evaluation and treatment for low back pain from an injury in _____. Authorization to purchase this device has been repeatedly submitted and repeatedly denied. The device has not been proven effective for treatment beyond the acute phase of an injury and there is no reliable study that proves that these devices are effect for chronic pain. Therefore, there is no medical necessity to purchase the RS4i sequential stimulator 4-channel combination interferential and muscle stimulator unit to treat this patient's medical condition.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (ten) calendar days of your receipt of this decision (28 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) calendar days of your receipt of this decision (28 Tex. Admin. Code 142.5(c)).

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Workers' Compensation Commission, P.O. Box 17787, Austin, Texas, 78744, Fax: 512-804-4011.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in this dispute.

Sincerely,

Attachment

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| <p>In accordance with Commission Rule 102.4 (h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 25th day of October 2004.</p> |
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